

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.1577 OF 2005**

.....
Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions
& Registrar's orders.
.....

Court's or
Judge's orders

Mr.N.J.Patil for the Appellants
Mr.Sachin Chavan a/w Mr.S.S.Kulkarni for
the Respondent No.1

**CORAM: A.S.OKA, J.
DATED: MARCH 14, 2006.**

P.C.:

1. Heard Shri Patil for the Appellants.
The Trial Court has passed an order in an enquiry for determination of the mesne profits under Order 20 Rule 12 (1) (c) of the Code of Civil Procedure Code, 1908. The Determination of mesne profits was for a period between 29th September 1994 till 7th July 1996.

2. Shri Patil submitted that an amount of Rs.1000/- p.m. fixed by the trial court is exorbitant and there was absolutely no evidence on record warranting the fixation of the said high amount. He pointed out that the premises in the adjoining property have been let out by the landlords at monthly rent which is much less than Rs.1000/- p.m. He submitted

that the similar premises have been let out at the rate of Rs.20/- p.m.

3. I have considered the submissions. On the basis of evidence showing location of the suit premises and all other aspects of the matter, the trial Court has fixed the mesne profit at the rate of Rs.1000/- p.m. The Appellate Court also considered the material on record and has confirmed the order of the trial Court. It must be noted here that the enquiry was not for fixing the standard rent of the suit premises but the enquiry was for determination of the mesne profits for compensating the Respondents who have obtained decree for possession against the appellants.

4. In view of the concurrent findings of fact of the Courts below, no substantial question of law arises. Second Appeal is dismissed with no order as to costs. The Respondents will be free to withdraw the amount deposited by the Appellant in the Trial Court.

Judge